

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference BCT040081/JMG		FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/FR2004/001477	International filing date (day/month/year) 11.06.2004	Priority date (day/month/year) 19.06.2003	
International Patent Classification (IPC) or national classification and IPC			
Applicant SIDEL			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of _____ sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>6</u> sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input checked="" type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand		Date of completion of this report	
Name and mailing address of the IPEA/EP		Authorized officer	
Facsimile No.		Telephone No.	

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2004/001477

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
 - ☐ publication of the international application (Rule 12.4)
 - ☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☐ the international application as originally filed/furnished
- ☒ the description:

pages 1, 6, 7 as originally filed/furnished

pages* 2-5 received by this Authority on 08.04.2005 with letter of 04.04.2005

pages* _____ received by this Authority on _____

- ☒ the claims:

nos. _____ as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* 1-4 received by this Authority on 08.04.2005 with letter of 04.04.2005

nos.* _____ received by this Authority on _____

- ☒ the drawings:

sheets 1/1 as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-4</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims <u>1-4</u>	YES
	Claims _____	NO
Industrial applicability (IA)	Claims <u>1-4</u>	YES
	Claims _____	NO

2. Citations and explanations (Rule 70.7)

1. Reference is made to the following documents in the present notification:

D1: US 6 065 624 A (STEINKE JAMES R) 23 May 2000
(2000-05-23)

D2: US 4 254 882 A (YOSHINO YATARO) 10 March 1981
(1981-03-10)

D3: US 4 598 831 A (MIYAZAWA YOSHIKI ET AL) 8 July
1986 (1986-07-08)

D4: JP 2000 229615 A (MITSUBISHI PLASTICS IND LTD)
22 August 2000 (2000-08-22)

2. INDEPENDENT CLAIM 1

- 2.1 Document D1, which is considered to be the prior art closest to the subject matter of claim 1, describes (the reference signs between parentheses apply to this document; see column 2, line 20 to column 3, line 30 and the figures):

A container (18) made of a thermoplastic material and provided with a bottom wall shaped like that of a champagne bottle (see figures 5 and 6) and

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

comprising a downwardly projecting central button, a circumferential bearing area (36) and an arched portion (40) therebetween provided with ribs (50) extending radially outwards from the central button and as far as the bearing area, characterised in that:

- the ribs (50) extend away from the central button and up to but not into the bearing area (36),
- the ribs (50) have a cross-section substantially parallel to the container axis (A) and extend continuously away from one another, and
- the ribs (50) have a curved longitudinal outline, and the bottom walls of the ribs in the region thereof that is adjacent to the central button rise higher than the base of said central button and the bottom walls and ridges of said ribs, in the regions thereof that are adjacent to the bearing area, and have curvatures that gradually merge into a continuous curved surface with no break in the curvature thereof immediately above the bearing area, in such a way that the bearing area is substantially planar and continuous over the entire length thereof, whereby
- the rigidity of the bottom wall can be increased while reducing the thickness thereof even in the bearing area.

2.2 It follows that the subject matter of claim 1 differs from the teachings of D1 in that:

- the ribs are dihedral and have a V-shaped cross-section with a mid-plane, and

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

- the central button is in the form of a downwardly projecting circular plate.

The problem that the present invention is intended to solve can thus be considered to be that of minimising the influence of production tolerances on the mechanical strength and flatness without increasing the thickness of the bottom wall.

The central button in the form of a downwardly projecting circular plate enables the bottom wall to be stabilised and to impart a constant geometrical shape thereto regardless of the exact location of the pellet of crystallised material resulting from the process of injection moulding the parison, thereby enhancing the flatness of the bearing area.

No such button shape or similar shape having the same advantages is disclosed, in its present form, in the documents cited in the search report.

Since the use of these features is not found in or obvious from the prior art, the solution to the stated problem, as proposed in claim 1 of the present application, is considered to involve an inventive step (PCT Article 33(3)).

Claims 2 to 4 are dependent on claim 1 and thus also comply, as such, with the requirements of novelty and inventive step of the PCT.

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Box No. VI Certain documents cited

1. Certain published documents (Rule 70.10)

Application No.
Patent No.

Publication date
(day/month/year)

Filing date
(day/month/year)

Priority date (valid claim)
(day/month/year)

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure

Date of non-written disclosure
(day/month/year)

Date of written disclosure
referring to non-written disclosure
(day/month/year)